

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

File No. and Project Name/Description: File No. PP10-178. Nortech East Loop Water Main Project to allow the installation of approximately 1,000 LF of 12-inch ductile iron pipe (DIP) water main pipeline within and adjacent to the City of San Jose's Water Pollution Control Plant lands in Alviso (APN: 015-30-098, 097-14-090). The project is located on both sides of Highway 237 at the northerly terminus of Headquarters Drive; and between Nortech Parkway and Baytech Drive, approximately 700 feet east of Fortran Drive. The project is located in Council District 4.

California State Law requires the City of San José to conduct environmental review for all pending projects. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. Based on an initial study, the Director of Planning, Building & Code Enforcement, pursuant to the provisions of Title 21 of the San José Municipal Code, has concluded that the project described above will not have a significant effect on the environment. The project location does not contain a listed toxic site. Pursuant to the conclusions of the Initial Study, the Director of Planning, Building & Code Enforcement has prepared a draft Mitigated Negative Declaration for this project.

The purpose of this notice is inform the public of the Director of Environmental Services intent to adopt a Mitigated Negative Declaration for the proposed project on or after April 14, 2011, and to provide an opportunity for public review and comment on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 15, 2011**, and ends on **April 13, 2011**. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above, together with adoption of the Mitigated Negative Declaration, will be made separately by the Director of Environmental Services, as required by City Ordinance and based upon the Planning Director's recommendation.

The draft Mitigated Negative Declaration, Initial Study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905 and are processed pursuant to the provisions of Title 21 of the Municipal Code. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, at the Alviso Branch Library, 5050 N. First St., San Jose, CA 95002, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>

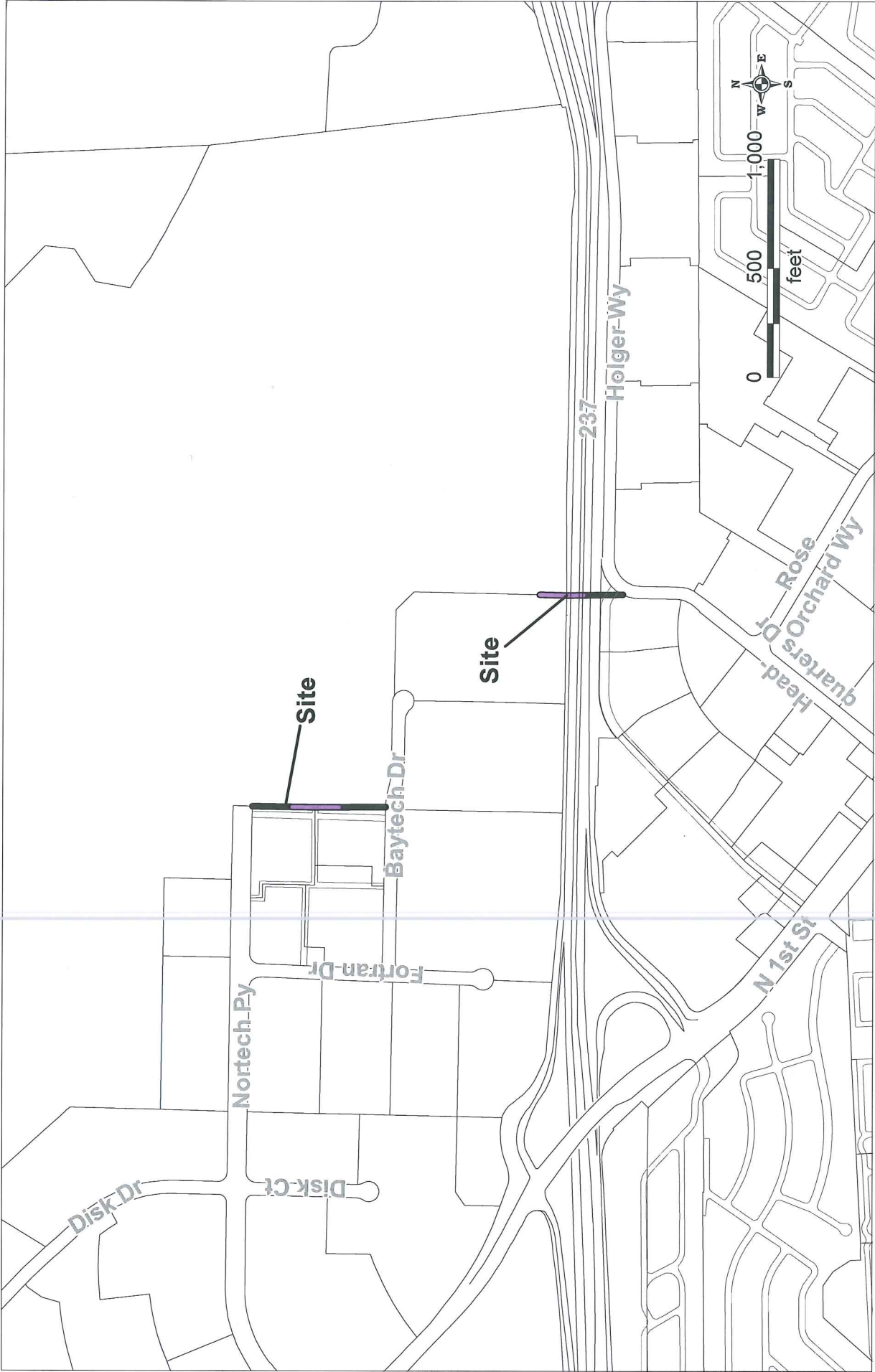
For additional information, please contact Janis Moore at (408) 535-7815 or by email at janis.moore@sanjoseca.gov.

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Deputy

Circulated on: March 15, 2011



Prepared by the Department of Planning,
Building, and Code Enforcement
2/17/2011

File No: PP10-178
District: 4

Location

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Nortech East Loop Water Main Project

PROJECT FILE NUMBER: PP10-178

PROJECT DESCRIPTION: Installation of approximately 1,000 LF of 12-inch DIP water main pipeline within and adjacent to the City's WPCP lands in Alviso

PROJECT LOCATION & ASSESSORS PARCEL NO.: Both sides of Highway 237 at northerly terminus of Headquarters Drive, and between Nortech Parkway and Baytech Drive, approximately 700 feet east of Fortran Drive; APN: 015-30-098, -099; 097-14-090

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Rajesh Verma, Engineer II, City of San Jose, Department of Environmental Services, Municipal Water System, 3025 Tuers Road, San Jose CA 95121

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. **AIR QUALITY** – The project will not have a significant impact on air quality, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES** – The installation of the proposed water main pipeline could result in impacts to individual Burrowing Owls or abandonment of an active Burrowing Owl

nest which could result in the loss of eggs or young, which would be a significant impact on this resource. The following mitigation measure will avoid significant impacts to individual Burrowing Owls or occupied burrows.

- The project proponent shall have a qualified biologist complete a burrowing owl survey and prepare a report. Surveys shall not be initiated more than 30 days prior to installation activities, and the final visit should take place no more than 14 days prior to the start of installation to determine the presence of burrowing owls on the site and all areas within 250 feet of the site. The pre-installation surveys shall follow California Department of Fish and Game (CDFG) guidelines, and shall be completed regardless of the time of year in which the installation occurs. If no burrowing owls are located during the surveys, no additional action would be warranted.
- If owls are present on the site or within 250 feet of the impact area during the breeding season (February 1st – August 31st), or as otherwise determined by surveys and monitoring, no installation activities or other activities that result in substantially more noise, vibration, or human activity than is currently present on the site would occur within 250 feet of the burrow until the nest is no longer active (i.e., until young have fledged or the nesting effort has failed for some reason other than project-related disturbance). A mitigation program shall be developed in conformance with the requirements of the CDFG and the U.S. Wildlife Service.
- If mitigation includes relocation, owls shall not be relocated during the nesting season. Prior to the start of any installation, the project proponent shall submit the biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

The installation of the proposed water main pipeline could result in abandonment of nearby active migratory bird nests which could result in the loss of eggs or young. The following mitigation measure would reduce the project impacts to nesting migratory birds to a less than significant impact.

- If possible, pipeline installation shall be scheduled during the non-breeding season between September 1st and January 31st to avoid the bird nesting season. If this is not possible, surveys for nesting birds shall be completed by a qualified ornithologist to identify active nests that may be disturbed during project implementation. Between February 1st and August 31st surveys shall be completed no more than 14 days prior to the initiation of excavation and installation activities. The surveying ornithologist shall inspect all trees immediately adjacent to the installation area for raptor nests. If an active nest is found in or close enough to the installation area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a disturbance-free buffer zone (typically 250 feet for raptors and 50-100 feet for non-raptors) around the nest. The ornithologist shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the start of installation activities.

- V. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS** – The project will not have a significant impact due to geology or soils, therefore no mitigation is required.
- VII. **GREENHOUSE GAS EMISSIONS**– The project will not have a significant greenhouse gas emissions impact, therefore no mitigation is required.
- VIII. **HAZARDS AND HAZARDOUS MATERIALS** –Construction of the proposed project could result in the exposure of construction workers to potentially contaminated surface soils due to the elevated concentrations of arsenic. The project would include the following mitigation measure to reduce the risk of hazard to human beings or the environment through the routine transport, use, or disposal of hazardous materials.
- *Site Management Plan.* Health and safety measures in the form of a Health and Safety Plan will be implemented to protect workers from exposure to surface soils during construction. Under OSHA requirements, workers will receive 2-hours of health and safety awareness training¹ and personal protection equipment will be worn by workers (e.g. tyvek suit, rubber boots, decon, etc.), and a washing facility will be provided on site. Upper soils will be stockpiled separately and covered during pipeline installation, then put back in the trench to reduce exposure.
- IX. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact due to hydrology or water quality, therefore no mitigation is required.
- X. **LAND USE AND PLANNING** – The project will not have a significant impact on land use and planning, therefore no mitigation is required.
- XI. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. **NOISE** – The project will not have a significant impact due to noise, therefore no mitigation is required.
- XIII. **POPULATION AND HOUSING** – The project will not have a significant population or housing impact, therefore no mitigation is required.
- XIV. **PUBLIC SERVICES** – The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. **RECREATION** – The project will not have a significant impact on recreational resources, therefore no mitigation is required.
- XVI. **TRANSPORTATION / TRAFFIC** – The project will not have a significant traffic impact, therefore no mitigation is required.

¹ If the workers have already completed 40-hours of hazardous worker training, then they would not need to do the 2 hour training.

XVII. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on utilities or service systems, therefore no mitigation is required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.


PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **April 13, 2011**, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulation period, from March 15, 2011 to April 13, 2011


Deputy